

Structural Pest Control Board

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at The Hilton Ontario Airport, 700 North Haven Avenue, Ontario, CA, at 9:00 AM on April 18, 2008. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Structural Pest Control Board at its office no later than 5:00 PM on April 17, 2008 or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 8525 of the Business and Professions Code, and to implement, interpret or make specific sections 8560, 8562, 8564, 8593 and 8593.1 of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

1. Amend 1937 Qualification of Applicant.

Business and Professions Code Section 8564 states that an applicant for a branch 2 and/or 3 Field Representative license must submit proof satisfactory to the board that he or she has had training and experience in the practice of pesticide application and pesticide hazards and safety practices. Business and Professions Code Section 8565.5 states that an applicant for a branch 2 and/or 3 Operator's license shall demonstrate to the board that he or she has passed satisfactorily board-approved courses in the area of pesticides. The proposed amendment would require that branch 2 and/or 3 Field Representative and Operator applicants gain training and experience in structural Integrated Pest Management as part of their pre-licensing requirements.

2. Amend 1950 Continuing Education Requirements.

Business and Professions Code Section 8593 states that each operator and field representative license must submit proof satisfactory to the board that he or she has informed himself or herself of developments in the field of pest control either by completion of continuing education courses in pest control approved by the board or equivalent activity approved by the board. Business and Professions Code Section 8593.1 states that each applicator that applies for renewal of an applicator license must

submit proof satisfactory to the board that he or she has completed courses of continuing education in pesticide application and use approved by the board or equivalent activity approved by the board. The proposed amendment would require that branch 2 and/or 3 licensees gain continuing education hours in structural Integrated Pest Management as part of the license renewal requirements.

3. Amend 1950.5 Hour Value System.

Business and Professions Code Sections 8593 and 8593.1 require that licensees complete continuing education in developments in the field of pest control and pesticide application and use. The proposed amendment would establish an hour value for board approved Integrated Pest Management courses.

4. Repeal 1953(f)(3)(D) Approval of Activities.

The proposed amendment would repeal the subsection that requires continuing education course providers to provide course evaluation forms to students.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Structural Pest Control Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

Section 1937 will have no affect on small businesses because the proposal is requiring pest control companies to provide training and experience in Integrated Pest Management to its prospective licensees, a practice that branch 2 and 3 companies should already be providing.

Section 1950 will have no affect on small businesses because the proposal is requiring branch 2 and/or 3 licensees to gain hours in Integrated Pest Management.

Section 1950.5 will have no affect on small businesses because the proposal is adding a defined hour value for courses that cover Integrated Pest Management.

Section 1953 will have no affect on small businesses because the proposed amendment repeals the requirement of continuing education providers from providing course evaluation cards to their students.

CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Avenue, Suite 18, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND

RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

The Structural Pest Control Board is moving its office in March. Prior to March 20, any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ryan Vaughn
Address: 1418 Howe Avenue, Suite 18
Sacramento, CA. 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Ryan_Vaughn@dca.ca.gov

The backup contact person is:

Name: Susan Saylor
Address: 1418 Howe Avenue, Suite 18
Sacramento, CA. 95825
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Susan_Saylor@dca.ca.gov

Subsequent to March 20, any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Ryan Vaughn
Address: 2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone No.: (916) 561-8700
Fax No.: (916) 263-2469
E-Mail Address: Ryan_Vaughn@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.pestboard.ca.gov